

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**RACHAEL ANNE ELROD, ANDREW  
KAUFMAN, and SARAH MARTIN, on  
behalf of themselves and all others  
similarly situated,**

**Plaintiffs,**

**v.**

**NO TAX 4 NASH, MICHELLE  
FOREMAN, and KAREN MOORE,**

**Defendants.**

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**BROOKS BRASFIELD, on behalf of  
himself and all others similarly situated,**

**Plaintiff,**

**v.**

**NO TAX 4 NASH, MICHELLE  
FOREMAN, and KAREN MOORE,**

**Defendants.**

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**MICHELLE FOREMAN and KAREN  
MOORE,**

**Third-Party Plaintiffs,**

**v.**

**BEST SELLERS, LLC, HEATHER  
SELLERS, JOE GERLEY, and  
HYPERMETRICS, LLC,**

**Third-Party Defendants.**

**Case No. 3:20-cv-00617**

**District Judge Eli J. Richardson  
Magistrate Judge Barbara D. Holmes**

**CLASS ACTION**

**JURY DEMAND**

*Consolidated with*  
**Case No.: 3:20-cv-00618**

**PLAINTIFFS' UNOPPOSED MOTION FOR APPROVAL OF *CY PRES* BENEFICIARY  
THE LEAGUE OF WOMEN VOTERS OF TENNESSEE**

Plaintiffs Rachael Ann Elrod, Andrew Kaufman, Sarah Martin, and Brooks Brasfield (the “Representative Plaintiffs”), individually and on behalf of the previously certified Class, hereby ask the Court to approve the *cy pres* recipient that has been selected by Representative Plaintiffs in consultation with counsel for Michelle Foreman and Karen Moore (“Defendants”), and third-party defendants Best Sellers, LLC, Heather Sellers, Joe Gergley, and Hypermetrics, LLC (“Third-Party Defendants,” and collectively with Defendants, “Respondents”).

The parties have conferred pursuant to Paragraph 49 of the preliminarily approved Settlement Agreement (Dkt. No. 147-1 at 15), and based upon that consultation, Plaintiffs hereby propose that any unclaimed funds be distributed to the League of Women Voters of Tennessee, a nonpartisan, nonprofit political organization that “encourages the informed and active participation in government and influences public policy through education and advocacy” and “does not support or oppose any political candidate or party.”<sup>1</sup> Plaintiffs believe this organization is a particularly appropriate recipient for any unclaimed funds in this case, which concerns a dispute arising from political participation in the democratic process.

Class Counsel consulted with counsel for Respondents, who have not expressed any opposition to designating The League of Women Voters of Tennessee as the *cy pres* recipient.

### **CONCLUSION**

For the foregoing reasons, Plaintiffs respectfully request that the Court designate the League of Women Voters of Tennessee as the recipient of any *cy pres* funds if and when final approval of the Class Settlement is granted.

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<sup>1</sup> “Mission,” <https://www.lwvtn.org/about> (accessed July 29, 2022).

Dated: July 29, 2022

Respectfully submitted,

By: /s/ John Spragens

John Spragens (TN Bar No. 31445)

SPRAGENS LAW PLC

311 22nd Ave. N.

Nashville, TN 37203

Telephone: (615) 983-8900

john@spragenslaw.com

JOE P. LENISKI, JR. (BPR# 22891)

ANTHONY ORLANDI (BPR# 33988)

BRANSTETTER STRANCH &

JENNINGS, PLLC

The Freedom Center

223 Rosa L. Parks Ave., Suite 200

Nashville, Tennessee 37203

Telephone: (615) 254-8801

joeyl@bsjfirm.com

aorlandi@bsjfirm.com

*Class Counsel*

### **CERTIFICATE OF SERVICE**

I hereby certify that on July 29, 2022, I electronically filed the foregoing Unopposed Motion to Designate Cy Pres Recipient with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all parties registered on the CM/ECF system.

/s/ John Spragens

John Spragens

*Class Counsel*